

Emergency Rule
LSA Document #18-273(E)

DIGEST

Temporarily adds noncode provisions to establish a deer control permit to allow the taking of white-tailed deer outside the deer hunting seasons that is causing damage or a health or safety threat. Effective June 27, 2018.

SECTION 1. (a) This document is supplemental to [312 IAC 9-10-11](#).

(b) A deer control permit may be issued under this SECTION to take a white-tailed deer that is doing the following:

(1) Causing or threatening to cause economic damage to property in excess of five hundred dollars (\$500) annually. Damage to the following may be considered in computing economic impact to property:

- (A) A building or dwelling and related improvements to real property.**
- (B) Agricultural row crop.**
- (C) Hay, stored grain, or livestock food.**
- (D) Cover crop.**
- (E) A vineyard.**
- (F) An orchard.**
- (G) Landscape vegetation.**
- (H) Truck crop.**
- (I) A tree nursery.**
- (J) A tree.**
- (K) A food garden of one (1) acre or greater in size.**
- (L) Ornamental vegetation.**
- (M) Other commercial vegetation established by humans.**

Browsing or antler rubbing to naturally occurring vegetation or vegetation not planted by humans shall not be considered in computing economic damage.

(2) Posing an immediate health or safety threat to persons or domestic animals.

(3) Affecting the management of free-ranging white-tailed deer on a city, community, or federal property with approval from the director and evidenced by:

- (A) deer vehicle collisions;**
- (B) economic damage to property in excess of five hundred dollars (\$500) annually evidenced in accordance with subdivision (1); or**
- (C) ecological damage to vegetation that would result in the incidental take of a state or federally threatened or endangered species.**

(c) An application for a deer control permit must be completed on a departmental form and filed with the division of fish and wildlife.

(d) The methods for taking and number of deer that may be taken shall be set forth in the permit.

(e) The permit holder may designate up to ten (10) unpermitted individuals to assist the permit holder in taking the deer under the following conditions:

(1) The permit holder must directly supervise and coordinate the activities of the unpermitted individuals.

(2) The unpermitted individuals must:

- (A) be identified on the permit;**
- (B) be in compliance with the hunter education requirement set forth at [IC 14-22-11-5](#); and**
- (C) possess a copy of the permit when conducting any authorized activities.**

(f) For each deer killed, the permit holder must:

- (1) cause the removal of all antlers and dispose of them in accordance with subsection (j)(2);**
- (2) dispose of the carcass, including the meat, hide, and any other part of the white-tailed deer, except for any antlers, by:**
 - (A) burial;**

- (B) incineration;
- (C) rendering;
- (D) processing of the meat at a deer processing facility;
- (E) gifting the meat to another person or organization; or
- (F) storing the meat for human consumption;
- (3) maintain a true and accurate record of the:
 - (A) date and time each white-tailed deer is killed;
 - (B) sex of each white-tailed deer killed;
 - (C) disposition of the carcass;
 - (D) equipment used to take each white-tailed deer; and
 - (E) name and address of the person in possession of the carcass of any white-tailed deer kept or gifted under subdivision (2)(C) through (2)(F).

(g) The meat of a deer taken under this SECTION must not be sold, traded, or bartered.

(h) A permit may be issued under this SECTION only as follows:

- (1) To take white-tailed deer outside the hunting season for white-tailed deer established at [312 IAC 9-3-4](#) for a duration of no more than ninety (90) days.
- (2) To take white-tailed deer during the hunting season for white-tailed deer established at [312 IAC 9-3-4](#) only:

- (A) if an immediate health or safety threat exists; or
- (B) as authorized in subsection (b)(3);

for a duration of no more than ninety (90) days or other duration established by the director.

- (3) A permit may be renewed for no more than ninety (90) additional days in one (1) calendar year.

(i) If meat from white-tailed deer taken under a permit issued under this SECTION will be donated or used for human consumption, a department form must accompany the meat or carcass at all times until processing of the deer is completed.

(j) Within fourteen (14) days of the expiration of the permit issued under this SECTION, the permit holder must:

- (1) cause the delivery of the records described in subsection (f)(3) to the address on the form; and
- (2) destroy the antlers by burial or incineration or deliver the antlers to a designated department property office during its established business hours or to a division of fish and wildlife representative.

(k) The permit holder and all unpermitted individuals identified under subsection (e) and listed on the permit issued under this SECTION must carry this permit when taking deer authorized under this permit.

(l) The permit holder and all unpermitted individuals identified under subsection (e) and listed on the permit issued under this SECTION shall not advertise the availability or use of deer or a deer control permit through any printed or electronic media format.

(m) A deer control permit application may be denied or a deer control permit issued under this SECTION may be suspended or revoked in accordance with [IC 4-21.5](#) if the permit holder or any unpermitted individual identified under subsection (e) and listed on the permit issued under this SECTION does the following:

- (1) Fails to comply with any of the following:
 - (A) This document.
 - (B) [IC 14-22](#).
 - (C) A term of the permit.
- (2) Provides false information to obtain a permit under this SECTION.

SECTION 2. This document takes effect June 27, 2018.

SECTION 3. This document expires on the effective date of LSA Document #17-436.

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